

रजिस्टर्ड नं० पी ६७



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, ३० अगस्त, १९६६/८ भाद्रपद, १८८८

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 26th August, 1966

No. 1-18/66-VS.—In pursuance of rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, "The Himachal Pradesh Panchayat Raj (Amendment) Bill, 1966 (Bill No. 12 of 1966)" as introduced in the Legislative Assembly on the 26th August, 1966 is hereby published in the Himachal Pradesh Government Gazette.

Bill No. 12 of 1966.

**THE HIMACHAL PRADESH PANCHAYAT RAJ (AMENDMENT)
BILL, 1966**

A

BILL

to amend the Himachal Pradesh Panchayat Raj Act, 1953.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventeenth Year of the Republic of India as follows:—

Short title
and
commence-
ment,

1. (1) This Act may be called the Himachal Pradesh Panchayat Raj (Amendment) Act, 1966.

(2) It shall come into force at once.

Amendment
of Section
93.

2. Section 93 of the Himachal Pradesh Panchayat Raj Act, 1952 (Act No. 6 of 1953) shall be re-cast as under:—

“93. (1) A revision from any order or decree passed by a Bench or a full Bench of the Nyaya Panchayat in a case or a suit or an application under section 488 of the Code of Criminal Procedure shall lie to the Sub-Divisional Judge, and in proceedings under the Himachal Pradesh Land Revenue Act, 1953 to the Sub-Divisional Officer having jurisdiction in the matter.

(2) If there has been a miscarriage of justice or if there is an apprehension of miscarriage of justice in any case, suit, proceeding or an application under section 488 of the Code of Criminal Procedure or if the Bench or the full Bench or the Nyaya Panchayat has exercised jurisdiction not vested in it by Law, the Sub-Divisional Judge in respect of any case or any suit or application under section 488 of the Code of Criminal Procedure and the Sub-Divisional Officer in respect of any proceeding under the Himachal Pradesh Land Revenue Act, 1953 may on the application of any party or on his own motion, at any time in a pending case, suit, proceeding or application under section 488 of the Code of Criminal Procedure, as the case may be, and within 60 days from the date of decree or order, call for the record of the case, suit, proceeding or application under section 488 of the Code of Criminal Procedure as the case may be, from the Nyaya Panchayat and for reasons to be recorded in writing:—

(a) Cancel the jurisdiction of the Nyaya Panchayat with regard to any case, suit, proceeding or application under section 488 of the Code of Criminal Procedure, or

(b) Quash any decree or order passed by the Nyaya Panchayat at any stage.

(3) Where an order has been passed by the Sub-Divisional Judge under sub-section 2(a) in respect of any case or suit, trial on complaint or otherwise in respect of the same offence or on the same cause of action and for the same relief may be started in the Court of Sub-Divisional Judge having jurisdiction to try the case or suit or proceeding or application under section 488 of the Code of Criminal Procedure and the period from the date of the institution of the suit before the Nyaya Panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh suit.

(4) Where an order has been passed under sub-section 2(a) by a Sub-Divisional Officer in respect of any proceeding under the Himachal Pradesh Land Revenue Act, 1953 a proceeding in respect of the same relief and on the same facts may be started before the Revenue Court having jurisdiction in the matter, and the period from the date such proceeding was pending before the Nyaya Panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh proceeding."

STATEMENT OF OBJECTS AND REASONS

At present there exists no provision in the Himachal Pradesh Panchayat Raj Act regarding filing of revision petitions against the orders of Nyaya Panchayats in applications under section 488 of the Code of Criminal Procedure. The Judicial Commissioner, Himachal Pradesh, has held in a recent pronouncement similar view. Further, Punjab Land Revenue Act, 1887 having been repealed by The Himachal Pradesh Land Revenue Act, 1953, the mention of the Punjab Land Revenue Act in the body of section 93 of the Himachal Pradesh Panchayat Raj Act has become irrelevant. This Bill seeks to obliterate these incongruities and difficulties.

SIMLA:
The 28th July, 1966.

DINA NATH,
M. L. A.

D. B. LAL,
Secretary.

